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Application as filled. For example in instant claim 1, a system for filling a bone cavity is described which comprises a fill container, a predetermined quantity of bone graft material as well as the tool to direct the bone graft material. In regard to the Bonutti reference, clearly Bonutti which describes a tool for removing tissue human tissue by cutting and collecting tissue fragments fails to teach or suggest the system presently claimed.

As applicants have previously pointed out, unlike Bonutti, the instant claims describe a tool for directing bone graft into a space, and which requires at least one deflector opening that deflects bone material out of the tube at an angle relative to the longitudinal axis of the tube. In addition, Bonutti also fails to teach or suggest a system, which utilizes a fill container which receives bone replacement material from the tool as the present claims describe. As a result, the rejection is respectfully overcome.

In light of the above, Applicants respectfully request withdrawal of the rejection.

As an additional note Applicants would like to clarify that claim 2 was cancelled in the Preliminary Amendment of July 17, 2002.

#### **FORMALITIES**

If an extension of time is required to make this response timely and no separate petition is enclosed, Applicants hereby petition for an extension of time sufficient to make the response timely. In the event that this response requires the payment of government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

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**CONCLUSION**

In view of the foregoing it is believed that the present application, with claim: 1 and 3-12 is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,  
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Date: 6/9/03

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MARKED COPY OF THE AMENDED CLAIMS

1. (Twice Amended) A system for filling a bone cavity comprising:  
a fill container, the fill container comprising a wall the wall defining a fill  
space;  
a predetermined quantity of bone replacement material; and  
[A] a tool for directing the bone replacement material into [a defined] the  
fill space, the tool comprising:
  - a) an elongated hollow tube having a proximal and a distal end, said proximal end being adapted for attachment to a source of the bone replacement material under pressure; and
  - b) said distal end including at least one deflector opening for deflecting the bone replacement material out of said tube and into the fill space at an angle relative to a longitudinal axis of said tube, each said at least one deflector opening having a length of between about 1 D to 3 D, wherein D is the internal diameter of said tube, the distal end comprising a tip, the tip having a tapered shape.
3. (Amended) The [tool] system of claim 1 wherein each said deflector opening includes a deflector for deflecting bone replacement material from said tube through said deflector opening.
4. (Amended) The [tool] system of claim 3 including two opposing deflector openings and said deflector is a tapered wedge adjacent the distal end of said tube.
5. (Amended) The [tool] system of claim 3 including a single deflector opening and said deflector presents an angled ramp to said deflector opening.

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6. (Amended) The [tool] system of claim 5 wherein said distal end of said tube is closed or open up to 2 D[, wherein D is the diameter of said tube].